

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN EDWARD FAVEL,

Defendant.

CR-11-28-GF-BMM-01

**ORDER ADOPTING FINDINGS
AND RECCOMENDATIONS OF
MAGISTRATE JUDGE**

United States Magistrate Judge Keith Strong entered Findings and Recommendations in this matter on December 1, 2014. (Doc. 54). No objections were filed by either party. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Strong's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Favel admitted to four violations of his supervised release. Favel admitted that he had violated standard condition 6 by failing to report his address to the probation officer. Favel admitted that he had violated standard condition 5 by entering a gaming establishment. Favel admitted that he had violated standard

condition 7 by using a controlled substance. Favel admitted that he had violated special condition 2 by using alcohol. Favel admitted that he had violated special condition 3 by failing to participate in substance abuse testing.

Judge Strong found Favel's admissions sufficient to establish supervised release violations. Judge Strong recommends that this Court revoke Favel's supervised release, and sentence Favel to 6 months imprisonment followed by 18 months supervised release, the first 180 days of which will be spent in a Residential Reentry Center. Judge Strong recommends that the term of supervised release run concurrent with his suspended sentence on state charges.

Favel's criminal history category is III, the current offense is a Grade C violation, and the underlying offense is a Class D felony. The statutory range is a maximum of 24 months imprisonment followed by a term of supervised release not to exceed 36 months, less any custody time imposed. The guideline range is 5 to 11 months imprisonment and up to 36 months supervised release, less any custody time imposed.

This Court finds no clear error in Judge Strong's Findings and Recommendations and adopts them in full. Favel admitted that he violated the standard conditions of his supervised release by failing to report his address to the probation officer, entering a gaming establishment, and using a controlled substance. Favel admitted that he violated the special conditions of his supervised

release by using alcohol, and failing to participate in substance abuse testing. A sentence of 6 months imprisonment, 18 months supervised release with the first 180 days in a Residential Reentry Center is appropriate.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 54) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 16th day of December, 2014.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Brian Morris
United States District Court Judge